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July 8, 2016

VIA Registered Mail and Certified Mail, Return Receipt Requested

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RE: Amended Notice of Violations and Intent to File Suit under the Resource Conservation and Recovery Act and Clean Water Act

To Whom it May Concern:

This letter supersedes and replaces that portion of the Notice of Intent issued by CLF on May 17, 2016 regarding the Clean Water Act violations at the Everett Terminal. This letter does not amend or alter those allegations associated with the Resource Conservation and Recovery Act (“RCRA”) claims contained in the May 17, 2016 Notice of Intent and that portion of the Notice of Intent is included herein only for reference.

This letter constitutes a Notice by Conservation Law Foundation, Inc. (“CLF”)¹ to ExxonMobil Oil Corporation (together with ExxonMobil Pipeline Company, hereinafter, “ExxonMobil” or “You”) under Section 7002(b)(2)(A) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as further amended by the Hazardous and Solid Waste Amendments of 1984 (“RCRA”), 42 U.S.C. § 6972(b)(2)(A). Please be advised that unless, within ninety (90) days following your receipt of CLF’s May 17, 2016 Notice, You adequately resolve the conditions at the marine distribution terminal in Everett, Massachusetts (the “Everett Terminal”) operated by You, which may present an imminent and substantial endangerment to health or the environment, CLF intends to file a Complaint in the United States District Court of the District of Massachusetts to assert claims against You and any other entities that may have contributed to the conditions at the Everett Terminal, seeking declaratory and injunctive relief pursuant to RCRA Section 7002(a)(1)(B), 42 U.S.C. § 6972(a)(1)(B), civil penalties, and CLF’s reasonable litigation costs, including attorneys and expert witness fees and costs. Pursuant to RCRA Section 7002(b)(2)(A), 42 U.S.C. § 6972(b)(2)(A), such action will not be filed earlier than ninety days from the date of CLF’s May 17, 2016 Notice of Intent.

CLF also gives notice to the addressed persons of its intent to file suit pursuant to Section 505 of the Federal Water Pollution Control Act (“Clean Water Act,” “CWA,” or “Act”), 33 U.S.C. § 1365(a), for violations of the Act specified below. This letter constitutes notice pursuant to 40 C.F.R., part 135 and 40 C.F.R. 254 to the addressed persons of CLF’s intention to file suit in the United States District Court of the District of Massachusetts seeking appropriate equitable relief, civil penalties, and other relief no earlier than 60 days from the postmark date of this Notice letter.

1. RCRA Violations

ExxonMobil, acting through officers, managers, subsidiary companies, and instrumentalities, owns or has owned or operates or has operated all or portions of the Everett Terminal, which

¹ CLF is a not-for-profit 501(c)(3) organization dedicated to the conservation and protection of New England’s environment.

consists of a “tank farm,” three berths, buildings and infrastructure located at 52 Beacham Street in Everett, in the Commonwealth of Massachusetts, at the confluence of the Island End River with the Mystic River. You are a Large Quantity Generator of hazardous waste at the Everett Terminal, and, as more fully described below, You have contributed and are contributing to the past or present handling, storage, treatment, transportation, or disposal of solid and hazardous wastes which may present an imminent and substantial endangerment to health or the environment in violation of RCRA.

CLF hereby asserts that You have contributed to the past or present handling, storage, treatment, transportation, or disposal of Hazardous Waste, as that term is defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and Solid Waste, as that term is defined in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), at the Everett Terminal, which may present an imminent and substantial endangerment to health or the environment. Based on the information currently available to CLF, the toxic and hazardous wastes and pollutants listed below, many of which are highly carcinogenic, are present at the Everett Terminal:

2,4-Dimethylphenol	Benzene	Chrysene	Indeno[1,2,3cd]pyrene	SGT-HEM (Oil and Grease)
3&4 Methylphenol (Cresol)	Benzo[a]pyrene	Cyanide	Iron	Toluene
Acetone	Benzo[b]fluoranthene	Dibenzo[a,h]anthracene	Lead	Xylenes [m,p,o]
Antimony	Benzo[k]fluoranthene	Di-n-butyl phthalate	Mercury	Petroleum Hydrocarbons
Arsenic	Cadmium	Ethylene	Naphthalene	Phenols
Benz(a)anthracene	Chromium	Fluoranthene	Nickel	Zinc
Methyl Tertiary-Butyl Ether (MTBE)	Tert-Butyl Alcohol (TBA)	Phthalates/Phthalate esters	Coal Tar	Butyl benzyl phthalate
Acenaphthylene	Benzo(ghi)perylene	Tert-Butyl Alcohol	Acenaphthene	Phenanthrene
Fuel Oil	Anthracene	Total BTEX	Gasoline	

To the extent that other Hazardous and Solid Wastes are revealed to be present at the Everett Terminal (a fact that You are in a better position to know than CLF) You are put on notice that CLF intends to include these wastes in its proof of your RCRA violations. You routinely discharge many of these toxic and hazardous wastes into the Island End River and the Mystic River, and the soils and groundwater at the Everett Terminal are heavily contaminated from your past, present, and ongoing handling, storage, treatment, transportation, or disposal of Hazardous and Solid Waste.

The Hazardous and Solid Waste at your Everett Terminal is generated, handled, stored, treated, transported and disposed of at or near sea level in close proximity to major human population centers, Chelsea Creek, the Island End River, and the Mystic River, which flows through the communities of Everett, Somerville, Chelsea, and Boston on its way to Boston Harbor. The first significant storm surge that makes landfill at the Everett Terminal at or near high tide is going to further flush your Hazardous and Solid Waste into the Island End and Mystic Rivers and through those communities, and a significant rise in sea level will put the majority of the Everett Terminal, including soils, groundwater, and treatment works, under water. You know all this, and yet have not taken appropriate steps to protect the public and the environment from this certain risk.

Nor have You disclosed your creation of this immanent and substantial risk to the United States Environmental Protection Agency (“EPA”), state regulators, or the public. On the contrary, You have actively obfuscated, denied, and attempted to conceal these risks from federal and state regulators and the public. Your obfuscation and denial is not and has not been limited to the imminent and substantial endangerment to health or the environment You have created at the Everett Terminal; You have also engaged in a decades-long scheme to conceal and sow doubt regarding the effects of climate change and your role, as the largest oil refiner on the planet, causing the anthropogenic climate change that is resulting in a great frequency of storm surges and extreme weather events and rising sea levels. Your pattern of failing to disclose required information in your possession regarding these risks, and of acting to conceal these risks, may expose You to liability in this matter under legal theories other than the violations of RCRA discussed herein.

Your violations of RCRA are ongoing and continuous. CLF intends to seek a civil injunction, as provided under section 7002 of RCRA, ordering ExxonMobil to perform and pay for such work as may be required to respond to the Hazardous Waste and Solid Waste present at the Everett Terminal and restraining You from further violating RCRA. CLF also intends to seek civil penalties and an award of the costs of litigation, including attorney and expert witness fees, under section 7002 of RCRA.

2. Clean Water Act Violations

The ExxonMobil Everett Terminal is engaged in the receipt, storage, and distribution of petroleum products. The spectrum of fuels handled by this facility consists of gasoline, low sulfur diesel, jet

fuel, heavy oil, and fuel additives. Petroleum products are received in bulk quantities at the Everett Terminal's marine vessel dock. Product is then transferred, via aboveground piping, to aboveground storage tanks located within the facility's tank farm areas. Final distribution of product is conducted at the facility's truck loading racks. The Everett Terminal operations also include the collection and discharge of stormwater from Sprague Energy, an asphalt storage and distribution facility located on property formerly owned by ExxonMobil.

ExxonMobil operates the Everett Terminal pursuant to an individual permit issued by EPA under the Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit program, 33 U.S.C. § 1342 *et seq.* ExxonMobil currently operates subject to NPDES Permit No. MA0000833, which was issued in 2008 and became effective in 2009. That permit was modified in 2011; the modification became effective on January 1, 2012 (the "Permit"). By its terms, the Permit expired in 2014 and has since been administratively continued.

Among other requirements, the Permit states that "[t]he permittee shall develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce, or prevent, the discharge of pollutants in storm water to the receiving waters identified in this permit. The SWPPP shall be a written document and consistent with the terms of this permit. The permittee shall comply with the terms of its SWPPP." Permit Part I.B.1, p. 13. ExxonMobil's applications for coverage under NPDES permits, including the currently applicable NPDES Permit, failed to include information documenting climate change induced factors known to ExxonMobil such as increased precipitation, increased magnitude and frequency of storm events, and increased frequency and magnitude of storm surges. By failing to address sea level rise, increased precipitation, and increased magnitude and frequency of storm events and storm surges, ExxonMobil has not developed and is not implementing a SWPPP designed to prevent the discharge of pollutants in stormwater to the receiving waters as identified in and required by the Permit.

As discussed below, ExxonMobil is also routinely violating other terms and conditions of its Permit. The Permit requires ExxonMobil to operate its wastewater treatment system in a specific manner designed to ensure that the maximum amount of wastewater receives the highest level of treatment prior to being discharged. By failing to comply with this condition of the Permit, ExxonMobil is discharging wastewater that has not been adequately treated, resulting in unnecessary and illegal pollution. ExxonMobil is also routinely discharging pollutants in levels that exceed the effluent limitations in its Permit and violate state water quality standards.

The receiving water identified in ExxonMobil's NPDES Permit for the Everett Terminal is the Island End River (Boston Harbor/Mystic River Watershed/Segment MA71-03), a small tributary to the Mystic River. The entire Island End River is less than one-half mile long, and about 500 feet across at its widest point. The Island End River flows into the Mystic River, approximately half a

mile west of the Mystic River's end in Boston Harbor. The Island End River is designated as a Class SB water body by the Commonwealth of Massachusetts.

The half-moon shaped pond within the Everett Terminal property that is incorporated into the facility's stormwater treatment system, also known as the "Effluent Pond," has existed since time immemorial and is a part of the Island End River, although ExxonMobil (or its predecessors in interest) defined its shape by filling in other areas of surface water sometime during the 1900s. The half-moon shaped pond is connected to the Island End River via subsurface hydrological connections and man-made conduits. The half-moon shaped pond, the Island End River, and the Mystic River are all "waters of the United States" as defined in 40 C.F.R. § 122.2, and, therefore, "navigable waters" as defined in 33 U.S.C. § 1362(7). A man-made structure cannot eliminate the Clean Water Act's jurisdiction over a water of the United States. ExxonMobil's discharges of pollutants into the half-moon shaped pond are unpermitted and therefore violate the Clean Water Act.

The Massachusetts Department of Environmental Protection ("MassDEP") evaluated and developed a comprehensive list of the assessed waters and the most recent list was published in the Massachusetts Year 2014 Integrated List of Waters (MassDEP, December 2015). The list identifies the lower reach of the Mystic River (Segment ID No. MA71-03, which includes the Island End River) as one of the waterways within Massachusetts that is impaired. The impairment, as identified by the MassDEP, is related to the presence of the following pollutants, which were not considered to be present due to natural causes: Ammonia (Un-ionized); Fecal Coliform; Foam/Flocs/Scum/Oil Slicks; Other; Dissolved Oxygen; PCB in Fish Tissue; Petroleum Hydrocarbons; Sediment Screening Value (Exceedence); and Taste and Odor.

Unlawful Certification of SWPPP

NPDES Permit No. MA0000833 requires that: "The SWPPP shall be completed or updated and signed by the Permittee within 90 days after the effective date of this Permit. The Permittee shall certify that the SWPPP has been completed or updated and that it meets the requirements of the permit. The certification shall be signed in accordance with the requirements identified in 40 CFR § 122.22." Part I.B.2, p.13. 40 C.F.R. § 122.22 required ExxonMobil to submit the following certification to comply with §122.22:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

ExxonMobil signed and submitted the certification required by 40 C.F.R. § 122.22 at the time of submittal of (a) each of its NPDES permit applications, and (b) each SWPPP. ExxonMobil signed these certifications without (a) disclosing information in its possession and relied on by the company in its business decision-making, regarding climate changed induced factors such as sea level rise, increased precipitation, increased magnitude and frequency of storm events, and storm surge, and (b) developing and implementing a SWPPP based on information in its possession and relied on by the company in its business decision-making, regarding climate changed induced factors such as sea level rise, increased precipitation, increased magnitude and frequency of storm events, and storm surge. ExxonMobil also signed these certifications without developing and implementing a Spill Prevention, Control, and Countermeasures Plan (“SPCC Plan”) based on information in its possession and relied on by the company in its business decision-making, regarding climate changed induced factors such as sea level rise, increased precipitation, increased magnitude and frequency of storm events, and storm surge.

Failure to Prepare SWPPP in Accordance with Good Engineering Practices

NPDES Permit No. MA0000833 requires that: “The SWPPP shall be prepared in accordance with good engineering practices.” Part I.B.4, p. 13. ExxonMobil’s SWPPP for the Everett Terminal was not prepared in accordance with good engineering practices because the SWPPP was not based on information available to ExxonMobil and consistent with the duty of care applicable to engineers. The SWPPP was not prepared based on information regarding climate change-induced impacts known to reasonably prudent engineers and known to ExxonMobil.

Failure to Identify Sources of Pollution

NPDES Permit No. MA0000833 requires that: “The SWPPP shall . . . identify potential sources of pollution that may reasonably be expected to affect the quality of the stormwater discharges.” Part I.B.4, p. 13. This condition of the Permit uses the term “pollution” as opposed to the term “pollutant.” ExxonMobil has failed to identify sources of pollution resulting from climate change-induced sea level rise, storm surge, and increased magnitude and severity of storms as sources of pollution reasonably expected, and specifically anticipated by ExxonMobil, to affect the quality of the stormwater discharges from the Everett Terminal.

Failure to Describe and Implement Practices

The Permit requires that: “The SWPPP shall . . . describe and ensure implementation of practices which will be used to reduce the pollutants and assure compliance with this permit.” Part I.B.4, p. 13. The SWPPP does not describe or ensure implementation of practices which will be used to

address pollutant discharges resulting from climate change-induced effects that are known to ExxonMobil.

Failure to Identify Sources, Spill Areas, Drainage

The Permit requires that: “. . . the SWPPP shall contain the elements listed below: A summary of all pollutant sources which includes all areas where spills have occurred or could occur. For each source, identify the expected drainage and the corresponding pollutant.” Part I.B.4(c), p. 13. The SWPPP does not address climate change-induced effects as pollutant sources, fails to identify where spills could occur and fails to identify drainage paths associated with storm surge and sea level rise, all of which are known to ExxonMobil.

Failure to Update SWPPP and SPCC

The Permit requires that: “. . . the SWPPP shall contain the elements listed below: A description of all stormwater controls, both structural and non-structural. [Best Management Practices, or] BMPs must include . . . preventative maintenance programs, spill prevention and response procedures, runoff management practices, and proper handling of deicing materials. The SWPPP shall describe how the BMPs are appropriate for the facility. All BMPs shall be properly maintained and be in effective operating conditions.” Part I.B.4(e), p. 13-14. The Permit incorporates spill prevention and response procedures as an enforceable BMP in the SWPPP.

A spill prevention and response procedure applicable to the Facility is the Spill Prevention, Control, and Countermeasures Plan required pursuant to 40 C.F.R. § 112, Subpart A. This enforceable BMP requires establishment of “procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).” 40 C.F.R. § 112.1(a)(1) (emphasis added).

The SPCC Plan must prevent discharges from the Everett Terminal because it is a facility, “*which due to its location*, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act)” 40 C.F.R. § 112.1(b) (emphasis added).

Due to its location, the Everett Terminal is at risk of discharging oil due to climate change-induced sea level rise, storm surges, increased precipitation, and altered, severe, and/or extreme weather events.

The SPCC regulations highlight the applicability of the Plan as follows: “112.1(e): This part establishes requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules. The purpose of an SPCC Plan is to form a comprehensive Federal/State spill prevention program that minimizes the potential for discharges. The SPCC Plan must address all relevant spill prevention, control, and countermeasures necessary at the specific facility. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State, or local laws.”

The SPCC Regulations underscore that: “(d) Except as provided in §112.6, a licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part. (1) By means of this certification the Professional Engineer attests: (i) That he is familiar with the requirements of this part; (ii) That he or his agent has visited and examined the facility; (iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part; (iv) That procedures for required inspections and testing have been established; and (v) That the Plan is adequate for the facility. (vi) That, if applicable, for a produced water container subject to §112.9(c)(6), any procedure to minimize the amount of free-phase oil is designed to reduce the accumulation of free-phase oil and the procedures and frequency for required inspections, maintenance and testing have been established and are described in the Plan. (2) Such certification shall in no way relieve the owner or operator of a facility of his duty to prepare and fully implement such Plan in accordance with the requirements of this part.” 40 C.F.R. § 112.3(d).

The SPCC Plan for the Everett Terminal was not prepared in accordance with good engineering practices because it is not based on consideration of climate change information known to ExxonMobil, the petroleum industry in general, and to practicing engineers in Massachusetts, including climate change information regarding the certainty of increased sea level rise, storm surges, increased precipitation, and altered, severe, and/or extreme weather events.

Climate change-induced and affected factors such as sea level rise, storm surge, precipitation, and weather events (including severe and extreme weather events) can reasonably be expected to cause or contribute to the discharge of oil in quantities that may be harmful to receiving waters in violation of the SPCC regulations, the SWPPP, and the Permit.

Due to ExxonMobil's failure to consider climate change information, including information known to ExxonMobil, the SPCC Plan fails to include necessary discharge prevention measures including procedures for routine handling of products.

Due to ExxonMobil's failure to consider climate change information, including information known to ExxonMobil, the SPCC Plan fails to include necessary and prudent discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge.

Due to ExxonMobil's failure to consider or incorporate climate change information, including information known to ExxonMobil, the SPCC Plan fails to identify where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge).

Due to ExxonMobil's failure to consider climate change information, including information known to ExxonMobil, the SPCC Plan fails to include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

Due to ExxonMobil's failure to consider climate change information, including information known to ExxonMobil, the SPCC Plan fails to provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in 40 C.F.R. §112.1(b).

Due to ExxonMobil's failure to consider climate change information, including information known to ExxonMobil, the SPCC Plan fails to assure that the entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs.

Due to ExxonMobil's failure to integrate climate change information, including information known to ExxonMobil, the SPCC Plan fails to address the typical failure mode associated with climate change-induced or affected factors, and the most likely quantity of oil that would be discharged.

Due to ExxonMobil's failure to consider climate change information, including information known to ExxonMobil, the SPCC Plan fails to include appropriately designed (i) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (ii) Curbing or drip pans; (iii) Sumps and collection systems; (iv) Culverting, gutters, or other drainage systems; (v) Weirs, booms, or other barriers; (vi) Spill diversion ponds; (vii) Retention ponds; or (viii) Sorbent materials; and for offshore facilities: (ix) Curbing or drip pans, or (x) Sumps and collection systems.

Failure to Amend SWPPP and SPCC Plan

NPDES Permit No. MA0000833 requires that: “The permittee shall amend and update the SWPPP within 30 days for any changes at the facility affecting the SWPPP. Changes which may affect the SWPPP include, but are not limited to, the following activities: a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States . . . Any amended or new versions of the SWPPP shall be re-certified by the Permittee. Such re-certifications also shall be signed in accordance with the requirements identified in 40 C.F.R. § 122.22.” Part I.B.6, p. 14.

ExxonMobil has not amended its SWPPP based on information regarding climate change known to ExxonMobil. ExxonMobil has not amended its SPCC Plan, to include an engineer’s certification based on information regarding climate change known to ExxonMobil. 40 C.F.R. § 112.5.

The Permit requires that the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the Permit and with the requirements of stormwater pollution prevention plans. Part I.A.14, pg. 9. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the Permit. *See also* 40 C.F.R. § 122.41(e).

ExxonMobil has failed to properly operate and maintain the Everett Terminal to achieve compliance with the conditions of the Permit due to its failure to consider and act upon climate change related information, including information known to ExxonMobil.

The Permit requires that “The permittee shall take all reasonable steps to minimize or prevent any discharge which has a reasonable likelihood of adversely affecting human health or the environment.” *See also* 40 C.F.R. § 122.41(d). ExxonMobil has failed take all reasonable steps to minimize or prevent any discharge which has a reasonable likelihood of adversely affecting human health or the environment due to its failure to consider and act upon climate change related information, including information known to ExxonMobil.

By failing to submit information related to climate change-induced and affected factors in its permit application and in reports to the Environmental Protection Agency, ExxonMobil has submitted incorrect information in a permit application or reports to the Regional Administrator.

By failing to submit information related to climate change-induced and affected factors in its permit application and in reports to the Environmental Protection Agency, ExxonMobil has failed to promptly submit such relevant facts or information.

Failure to Comply with Permit Conditions regarding Discharges through Specified Outfalls

Dischargers of pollutants, including industrial wastewater, process water and stormwater associated with industrial activity, must comply with the requirements of a NPDES permit issued under Section 402 of the Clean Water Act, 33 U.S.C § 1342. Section 301(a) of the CWA prohibits discharges not authorized by, or in violation of, the terms of a valid NPDES discharge permit. NPDES discharge permits contain pollutant sampling and monitoring requirements and limits on the amount or concentration of allowable pollutants, in addition to requirements regarding operation, control measures, best management practices, and recordkeeping and reporting.

The discharge of any pollutant in violation of a NPDES permit, the failure to conduct required monitoring for pollutant discharges, and the failure to comply with other requirements of a NPDES permit are all violations of the Clean Water Act, 33 U.S.C. § 1311(a); 33 U.S.C. § 1342.

The Everett Terminal Permit sets forth the parameters and conditions under which ExxonMobil may discharge without violating the Clean Water Act's prohibitions. Central to these conditions are the operational requirements that define the circumstances under which ExxonMobil may discharge through its three discharge outfalls: Outfalls 01A, 01B and 01C. The Permit requires that discharges up to a certain amount will solely flow through Outfall 01C, providing specifics of the wastewater flow, in part, as follows²:

Wastewater Treatment System Flow

- a. The continuous treatment system shall be designed, constructed, maintained and operated to treat the volume of storm water, groundwater and other associated wastewaters up to and including 280 gpm through outfall 01C.
- b. The collection, storage and treatment systems shall be designed, constructed, maintained and operated to treat the total equivalent volume of storm water, groundwater, hydrostatic test water, boiler condensate, fire testing water, truck was water, effluent pond water and continuous treatment system filter backwash water which would result from a 10-year 24-hour precipitation event, which volume shall be discharged through outfall 01C and outfall 01A. All wet weather and dry weather discharges less than or equal to the design capacity of the continuous treatment system [280 gpm] shall be treated through the continuous treatment system and

² The Permit specifies that discharges from Outfall 01B shall be limited to situations when the combined capacity of the facility to collect and treat through outfalls 01A and 01C is exceeded and are expected only in extreme weather events. *See* Permit Part I.A.23(c), p. 11.

discharged at outfall 01C. The flow through the corrugated plate separator shall not exceed 4,000 gpm.

Permit Part I.A.23(a) & (b), p. 10-11.³ This required flow structure is confirmed by ExxonMobil's Terminal Operator's Guide ("TOG"), which states in pertinent part:

- All dry weather flow, 0–280 gpm, is treated by the OWS followed by dry weather treatment system (DWTS; also known as the CTS) and discharged to outfall 01C.
- Moderate storm event flow, 280–4,000 gpm, is treated by the OWS and discharged to outfall 01A without treatment by the DWTS.
- Heavy storm event flow, 4,000–13,600 gpm, is pumped to tank 140 for treatment by the OWS or DWTS following the storm event. Up to 1.3 million gallons will be transferred to tank 140.

See TOG Oil Water Separator § 6.2.

This tiered discharge structure was implemented pursuant to a settlement agreement between ExxonMobil and EPA whereby ExxonMobil "agreed to extensively redesign its effluent treatment system in order to improve effluent quality under all flow conditions, including through the use of a continuously operated advanced treatment system, and a flow equalization tank to store storm water volume during periods of peak storm water flow." Response to comments on draft modification of NPDES Permit No. MA0000833, at 1-2 (attached to modified Permit). Under the Permit, Outfall 01C is designated as the primary outfall because discharges from 01C are treated through the new continuously operated advanced treatment system. Discharges from Outfalls 01A and 01B receive lower levels of treatment, if any, and thus are only authorized when total flow exceeds the levels designated in the Permit.

Contrary to these express terms of the Permit, discharges from Outfall 01A have frequently occurred even when Outfall 01C has not reached its 280 gpm capacity. As demonstrated in Exhibit 1, ExxonMobil's flow data shows unauthorized discharges from Outfall 01A on over 500 days

³ With respect to these operational requirements, the Permit also requires that "The permittee shall inspect, operate, and maintain the continuous treatment system, conventional oil water separator and the corrugated plate separator at the facility to ensure that the Effluent Limitations and Monitoring Requirements and other conditions contained in this permit are met. The permittee shall ensure that all components of the facility's Storm Water Pollution Prevention Plan, including those that specifically address the operation and maintenance of the separator(s) and other components of the storm water conveyance system, are complied with." Permit Part I.A.14, p. 9.

between January 2012 and May 2014. On many of those days, the total discharge from the entire system – *i.e.*, Outfalls 01A and 01C combined – was well below Outfall 01C’s maximum capacity of 280 gpm. As a result, the entire discharge system, including Outfalls 01A and 01C, is being operated in violation of the Permit conditions. Through such unlawful operation, ExxonMobil is routinely failing to comply with its Permit and ensure that all of its discharges receive the highest level of treatment possible. Thus, CLF intends to sue for each and every day that the discharge system has been operated in violation of the Permit conditions. At a minimum, this includes each and every one of the more than 500 days listed in Exhibit 1 as a separate and distinct date of violation.

Discharges of Toxic and Hazardous Pollutants in Excess of Numeric Effluent Limits and State Water Quality Standards

As a result of ExxonMobil’s industrial operations, the Everett Terminal Facility releases a variety of pollutants into the Island End and Mystic Rivers from and through point sources. ExxonMobil repeatedly discharges pollutants from the Facility into these Rivers, in concentrations and amounts that grossly exceed the numeric effluent limits set out in its NPDES Permit and/or violate State Water Quality Standards. These discharges are toxic to organisms and human health and impair the uses of the Island End and Mystic Rivers.

The Permit requires ExxonMobil to ensure that its discharges do not cause violations of State Water Quality Standards, that pollutants are not discharged in concentrations or combinations that would be hazardous or toxic to human or aquatic life, and that its discharges do not impair the uses designated for the Island End and Mystic Rivers. *See* Permit Part I.A.2, p. 3; Part I.A.3, p. 5; Part I.A.4, p. 6 (stating that for each outfall, any discharge must be “limited and monitored by the permittee as specified” and “not cause a violation of the State Water Quality Standards of the receiving water”); Part I.A.5, p. 9 (“The discharges either individually or in combination shall not cause or contribute to a violation of State Water Quality Standards of the receiving waters.”); Part I.A.9, p. 9 (“The discharge shall not contain materials in concentrations or combinations which are hazardous or toxic to human health, aquatic life of the receiving surface waters or which would impair the uses designate by its classification.”); Part 1.A.24, p. 11 (“The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.”; “Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated.”). Massachusetts Surface Water Quality Standards are found at 314 Code Mass. Regs. §§ 4.00, and provide in relevant part that “[a]ll surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.” 314 Code Mass. Regs. § 4.05(5)(e). Under the regulations, the National Recommended Water Quality Criteria published by EPA in 2002 are the allowable receiving water concentrations unless otherwise specified. *See id.*

Despite these clear restrictions, many of ExxonMobil's discharges violate applicable State Water Quality Standards, and as such, constitute violations of the Permit. Exhibit 2 summarizes these violations.

The conditions of the Permit, which are also included in ExxonMobil's TOG, flatly prohibit any discharge from Outfall 01A unless Outfall 01C has reached maximum capacity. Thus, each day there is discharge from Outfall 01A when Outfall 01C is below its maximum capacity of 280 gpm constitutes a separate and distinct violation for each and every pollutant present in the discharge, since no pollutants may be discharged from Outfall 01A if Outfall 01C has not reached maximum capacity. This includes all such days documented in Exhibit 1, as well as any additional days that new information may reveal.

ExxonMobil is also routinely discharging pollutants in amounts exceeding the maximum allowable levels set by the numeric effluent limits in the Permit. As shown in Exhibit 3, ExxonMobil self-reported over one hundred (100) violations of numeric effluent limits during the last four and a half years (running from January 2012 through June of 2016). Many of these discharges of hazardous pollutants exceeded the numeric effluent limits by several thousand percent. If new information reveals additional violations of the permitted levels of pollutant discharges, CLF intends to include those violations in its suit.

The Permit's effluent limits are enforceable through a citizen suit even if EPA has apparently determined that it will not take enforcement action unless the concentrations of toxins in ExxonMobil's discharges reach a level many times greater than the permitted limits. *See* Part I.A.2 n.7, p. 4 ("Compliance/non-compliance for Polycyclic Aromatic Hydrocarbons (PAHs) for discharges at outfall 01A shall be 10 µg/l for individual PAHs."). This footnote in the Permit merely explains how EPA will exercise its own enforcement discretion – to interpret it as superseding the Permit's numeric effluent limitations would undermine the Permit, the state regulations establishing water quality-based effluent limitations, and the Clean Water Act itself.

In addition to the violations of numeric limitations and water quality standards, there have been at least four instances in which discharges associated with the ExxonMobil and/or Sprague Energy facilities were reported to the National Incident Command. All four of these incidents, which occurred in 2011, 2014 and 2015 and are identified in Exhibit 4, resulted in a discharge that reached the water, identified as the Mystic River and/or Island End River. These discharges violate the Permit generally, and specifically violate the provision that provides in part that: a "discharge shall not cause a visible oil sheen, foam, or floating solids." Permit Part I.A.8, p. 9.

Every day in which ExxonMobil has failed and continues to fail to comply with the requirements of the Clean Water Act and NPDES Permit No. MA0000833 is a separate and distinct violation of ExxonMobil's NPDES Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

The discharge of any pollutant in violation of a NPDES permit, the failure to conduct required monitoring for pollutant discharges, and the failure to comply with other requirements of a NPDES permit are all violations of the Clean Water Act, 33 U.S.C. § 1311(a); 33 U.S.C. § 1342.

Additional information, including information in ExxonMobil's possession, may reveal additional violations. For example, this letter covers violations occurring after the date of the most recent publically available discharge monitoring report ("DMR") data. In addition, this letter covers violations that continue or reoccur, or that can reasonably be expected to continue or reoccur, after the date of this letter. This letter covers ExxonMobil's failure to take corrective action to abate the numeric effluent limit violations and other Permit violations. CLF intends to sue for all violations, including those yet to be uncovered and those committed after the date of this notice letter. This notice letter covers all such violations to the full extent permitted by law.

These violations are ongoing and continuous, or capable of repetition, and barring a change at the Facility and full compliance with the permitting requirements of the Clean Water Act, these violations are likely to continue indefinitely. ExxonMobil is liable for the above-described violations occurring prior to the date of this letter, and for every day that these violations continue. Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §§19.2, 19.4, each separate violation of the Act subjects ExxonMobil to a penalty up to \$32,500 per day for each violation that occurred between March 15, 2004 and January 12, 2009; up to \$37,500 per day for each violation that occurred between January 12, 2009 and November 2, 2015; and up to \$51,570 per day for each violation that occurred after November 2, 2015. CLF will seek the full penalties allowed by law.

In addition to civil penalties, CLF will seek declaratory relief and injunctive relief to prevent further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. CLF will seek an order from the Court requiring ExxonMobil to correct all identified violations through direct implementation of control measures and demonstration of full regulatory compliance.

Lastly, pursuant to Section 505(d) of the Act, 33 U.S.C. § 1365(d), CLF will seek recovery of costs and fees associated with matter.

CONCLUSION

During the notice period (90 days under RCRA which began May 17, 2016, and 60 days under the Clean Water Act), CLF is willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If You wish to pursue such discussions, please have your attorney contact CLF within the next 20 days so that negotiations may be completed before the end of the notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing at the conclusion of the notice period.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Zachary K. Griefen', written in a cursive style.

Zachary K. Griefen, Senior Enforcement Litigator
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EXHIBIT 1

Recorded Daily Discharge Volume at Outfalls 01A and 01C

Compared to Unused Daily Capacity at Outfall 01C

1/1/2012 – 5/31/2014

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2012Q1	1/1/2012	44748	0	44748	403200	403200	100.0%
2012Q1	1/2/2012	69591	0	69591	403200	403200	100.0%
2012Q1	1/3/2012	35656	0	35656	403200	403200	100.0%
2012Q1	1/4/2012	14277	0	14277	403200	403200	100.0%
2012Q1	1/5/2012	14777	0	14777	403200	403200	100.0%
2012Q1	1/6/2012	14777	0	14777	403200	403200	100.0%
2012Q1	1/7/2012	13157	0	13157	403200	403200	100.0%
2012Q1	1/8/2012	2622	0	2622	403200	403200	100.0%
2012Q1	1/9/2012	12896	0	12896	403200	403200	100.0%
2012Q1	1/10/2012	3830	0	3830	403200	403200	100.0%
2012Q1	1/11/2012	60969	0	60969	403200	403200	100.0%
2012Q1	1/14/2012	141368	0	141368	403200	403200	100.0%
2012Q1	1/15/2012	80075	0	80075	403200	403200	100.0%
2012Q1	1/16/2012	27357	19292	46649	403200	383908	95.2%
2012Q1	1/17/2012	153124	105053	258177	403200	298147	73.9%
2012Q1	1/18/2012	76932	79184	156116	403200	324016	80.4%
2012Q1	1/19/2012	76932	32448	109380	403200	370752	92.0%
2012Q1	1/20/2012	1010	34517	35527	403200	368683	91.4%
2012Q1	1/21/2012	1010	28408	29418	403200	374792	93.0%
2012Q1	1/22/2012	171478	26305	197783	403200	376895	93.5%
2012Q1	1/23/2012	285394	71038	356432	403200	332162	82.4%
2012Q1	1/24/2012	19329	184645	203974	403200	218555	54.2%
2012Q1	1/25/2012	339085	48016	387101	403200	355184	88.1%
2012Q1	1/28/2012	83575	295478	379053	403200	107722	26.7%
2012Q1	1/29/2012	21903	104037	125940	403200	299163	74.2%
2012Q1	1/30/2012	10205	56555	66760	403200	346645	86.0%
2012Q1	1/31/2012	56338	52138	108476	403200	351062	87.1%
2012Q1	2/1/2012	18152	23855	42007	403200	379345	94.1%
2012Q1	2/2/2012	38266	64066	102332	403200	339134	84.1%
2012Q1	2/3/2012	10789	41970	52759	403200	361230	89.6%
2012Q1	2/4/2012	3229	42037	45266	403200	361163	89.6%
2012Q1	2/5/2012	30329	40000	70329	403200	363200	90.1%
2012Q1	2/7/2012	5837	28671	34508	403200	374529	92.9%
2012Q1	2/10/2012	15121	11349	26470	403200	391851	97.2%
2012Q1	2/11/2012	58961	0	58961	403200	403200	100.0%
2012Q1	2/12/2012	52298	3144	55442	403200	400056	99.2%
2012Q1	2/14/2012	12953	31345	44298	403200	371855	92.2%
2012Q1	2/16/2012	1505	23078	24583	403200	380122	94.3%
2012Q1	2/17/2012	15846	28322	44168	403200	374878	93.0%
2012Q1	2/18/2012	13969	15883	29852	403200	387317	96.1%
2012Q1	2/20/2012	1940	21250	23190	403200	381950	94.7%
2012Q1	2/22/2012	7597	31566	39163	403200	371634	92.2%
2012Q1	2/24/2012	87485	63526	151011	403200	339674	84.2%
2012Q1	2/25/2012	123299	201309	324608	403200	201891	50.1%
2012Q1	2/26/2012	3284	33170	36454	403200	370030	91.8%
2012Q1	2/27/2012	4974	36009	40983	403200	367191	91.1%
2012Q1	2/28/2012	2089	37841	39930	403200	365359	90.6%
2012Q1	2/29/2012	14317	36638	50955	403200	366562	90.9%
2012Q1	3/2/2012	164661	133128	297789	403200	270072	67.0%
2012Q1	3/5/2012	21914	52988	74902	403200	350212	86.9%
2012Q1	3/6/2012	19953	62566	82519	403200	340634	84.5%
2012Q1	3/7/2012	2056	53338	55394	403200	349862	86.8%
2012Q1	3/8/2012	11131	42811	53942	403200	360389	89.4%
2012Q1	3/9/2012	24531	29610	54141	403200	373590	92.7%
2012Q1	3/10/2012	11042	27075	38117	403200	376125	93.3%
2012Q1	3/11/2012	3263	49063	52326	403200	354137	87.8%
2012Q1	3/13/2012	31838	63212	95050	403200	339988	84.3%
2012Q1	3/27/2012	1272	20461	21733	403200	382739	94.9%
2012Q1	3/29/2012	8218	32824	41042	403200	370376	91.9%
2012Q2	4/3/2012	8170	41622	49792	403200	361578	89.7%
2012Q2	4/6/2012	2048	26245	28293	403200	376955	93.5%
2012Q2	4/9/2012	2653	44617	47270	403200	358583	88.9%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2012Q2	4/12/2012	22808	44827	67635	403200	358373	88.9%
2012Q2	4/13/2012	19529	60091	79620	403200	343109	85.1%
2012Q2	4/19/2012	1882	28307	30189	403200	374893	93.0%
2012Q2	4/21/2012	4449	24529	28978	403200	378671	93.9%
2012Q2	4/22/2012	110556	173490	284046	403200	229710	57.0%
2012Q2	4/25/2012	10499	85681	96180	403200	317519	78.7%
2012Q2	4/26/2012	18587	77889	96476	403200	325311	80.7%
2012Q2	4/27/2012	4302	86338	90640	403200	316862	78.6%
2012Q2	4/28/2012	28667	152243	180910	403200	250957	62.2%
2012Q2	4/29/2012	2839	71439	74278	403200	331761	82.3%
2012Q2	4/30/2012	7855	64783	72638	403200	338417	83.9%
2012Q2	5/2/2012	12518	98987	111505	403200	304213	75.4%
2012Q2	5/3/2012	6664	100521	107185	403200	302679	75.1%
2012Q2	5/4/2012	36556	92303	128859	403200	310897	77.1%
2012Q2	5/5/2012	44416	146307	190723	403200	256893	63.7%
2012Q2	5/6/2012	15943	77330	93273	403200	325870	80.8%
2012Q2	5/7/2012	9103	94329	103432	403200	308871	76.6%
2012Q2	5/8/2012	22458	87875	110333	403200	315325	78.2%
2012Q2	5/9/2012	28135	126181	154316	403200	277019	68.7%
2012Q2	5/13/2012	11082	66177	77259	403200	337023	83.6%
2012Q2	5/14/2012	37437	170169	207606	403200	233031	57.8%
2012Q2	5/17/2012	27416	156935	184351	403200	246265	61.1%
2012Q2	5/18/2012	42460	151722	194182	403200	251478	62.4%
2012Q2	5/19/2012	31232	155451	186683	403200	247749	61.4%
2012Q2	5/21/2012	4790	75741	80531	403200	327459	81.2%
2012Q2	5/23/2012	47678	149681	197359	403200	253519	62.9%
2012Q2	5/24/2012	3482	112890	116372	403200	290310	72.0%
2012Q2	5/25/2012	25138	55245	80383	403200	347955	86.3%
2012Q2	5/26/2012	5414	66860	72274	403200	336340	83.4%
2012Q2	5/27/2012	3168	61925	65093	403200	341275	84.6%
2012Q2	5/28/2012	2784	80310	83094	403200	322890	80.1%
2012Q2	5/29/2012	32037	120803	152840	403200	282397	70.0%
2012Q2	5/30/2012	7168	106612	113780	403200	296588	73.6%
2012Q2	5/31/2012	9343	73432	82775	403200	329768	81.8%
2012Q2	6/1/2012	10166	36645	46811	403200	366555	90.9%
2012Q2	6/4/2012	75310	227024	302334	403200	176176	43.7%
2012Q2	6/6/2012	27057	106434	133491	403200	296766	73.6%
2012Q2	6/7/2012	6263	162418	168681	403200	240782	59.7%
2012Q2	6/8/2012	105684	175122	280806	403200	228078	56.6%
2012Q2	6/9/2012	63167	209671	272838	403200	193529	48.0%
2012Q2	6/10/2012	24689	124796	149485	403200	278404	69.0%
2012Q2	6/11/2012	8558	61856	70414	403200	341344	84.7%
2012Q2	6/12/2012	5391	63334	68725	403200	339866	84.3%
2012Q2	6/14/2012	156085	229667	385752	403200	173533	43.0%
2012Q2	6/15/2012	13000	61604	74604	403200	341596	84.7%
2012Q2	6/16/2012	730	76772	77502	403200	326428	81.0%
2012Q2	6/18/2012	2449	86449	88898	403200	316751	78.6%
2012Q2	6/19/2012	4072	44931	49003	403200	358269	88.9%
2012Q2	6/22/2012	3609	53331	56940	403200	349869	86.8%
2012Q2	6/27/2012	63807	227861	291668	403200	175339	43.5%
2012Q2	6/28/2012	21985	140248	162233	403200	262952	65.2%
2012Q2	6/29/2012	21899	100609	122508	403200	302591	75.0%
2012Q2	6/30/2012	21694	102792	124486	403200	300408	74.5%
2012Q3	7/2/2012	3553	69128	72681	403200	334072	82.9%
2012Q3	7/4/2012	21400	161733	183133	403200	241467	59.9%
2012Q3	7/12/2012	5966	39756	45722	403200	363444	90.1%
2012Q3	7/13/2012	2177	42664	44841	403200	360536	89.4%
2012Q3	7/17/2012	7073	66651	73724	403200	336549	83.5%
2012Q3	7/20/2012	120100	195252	315352	403200	207948	51.6%
2012Q3	7/21/2012	1730	69933	71663	403200	333267	82.7%
2012Q3	7/22/2012	2794	53092	55886	403200	350108	86.8%
2012Q3	7/23/2012	7347	72081	79428	403200	331119	82.1%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2012Q3	7/24/2012	154992	207940	362932	403200	195260	48.4%
2012Q3	7/25/2012	163248	197715	360963	403200	205485	51.0%
2012Q3	7/26/2012	37257	94825	132082	403200	308375	76.5%
2012Q3	7/27/2012	7844	94932	102776	403200	308268	76.5%
2012Q3	7/28/2012	179465	155603	335068	403200	247597	61.4%
2012Q3	7/30/2012	6198	84514	90712	403200	318686	79.0%
2012Q3	7/31/2012	102645	80164	182809	403200	323036	80.1%
2012Q3	8/2/2012	121044	142958	264002	403200	260242	64.5%
2012Q3	8/3/2012	43931	150372	194303	403200	252828	62.7%
2012Q3	8/4/2012	10317	49904	60221	403200	353296	87.6%
2012Q3	8/5/2012	12602	80726	93328	403200	322474	80.0%
2012Q3	8/6/2012	15438	39626	55064	403200	363574	90.2%
2012Q3	8/7/2012	13534	64233	77767	403200	338967	84.1%
2012Q3	8/8/2012	2031	139282	141313	403200	263918	65.5%
2012Q3	8/10/2012	147851	117233	265084	403200	285967	70.9%
2012Q3	8/11/2012	211571	180214	391785	403200	222986	55.3%
2012Q3	8/12/2012	8523	54482	63005	403200	348718	86.5%
2012Q3	8/13/2012	8450	53830	62280	403200	349370	86.6%
2012Q3	8/14/2012	12604	23817	36421	403200	379383	94.1%
2012Q3	8/15/2012	277394	71426	348820	403200	331774	82.3%
2012Q3	8/17/2012	3872	66722	70594	403200	336478	83.5%
2012Q3	8/18/2012	26958	127110	154068	403200	276090	68.5%
2012Q3	8/19/2012	6266	42683	48949	403200	360517	89.4%
2012Q3	8/21/2012	30524	45378	75902	403200	357822	88.7%
2012Q3	8/22/2012	4098	38603	42701	403200	364597	90.4%
2012Q3	8/23/2012	4271	15031	19302	403200	388169	96.3%
2012Q3	8/24/2012	5747	31552	37299	403200	371648	92.2%
2012Q3	8/25/2012	842	40211	41053	403200	362989	90.0%
2012Q3	8/26/2012	4175	48171	52346	403200	355029	88.1%
2012Q3	8/27/2012	3605	32860	36465	403200	370340	91.9%
2012Q3	8/28/2012	13969	61008	74977	403200	342192	84.9%
2012Q3	8/29/2012	4735	59552	64287	403200	343648	85.2%
2012Q3	8/31/2012	8482	46379	54861	403200	356821	88.5%
2012Q3	9/1/2012	3608	30907	34515	403200	372293	92.3%
2012Q3	9/4/2012	26977	61699	88676	403200	341501	84.7%
2012Q3	9/7/2012	124307	116630	240937	403200	286570	71.1%
2012Q3	9/8/2012	118642	158648	277290	403200	244552	60.7%
2012Q3	9/9/2012	167450	220830	388280	403200	182370	45.2%
2012Q3	9/10/2012	36216	70930	107146	403200	332270	82.4%
2012Q3	9/11/2012	3809	78143	81952	403200	325057	80.6%
2012Q3	9/13/2012	6093	128892	134985	403200	274308	68.0%
2012Q3	9/15/2012	12343	51359	63702	403200	351841	87.3%
2012Q3	9/17/2012	18122	48339	66461	403200	354861	88.0%
2012Q3	9/18/2012	5944	49563	55507	403200	353637	87.7%
2012Q3	9/20/2012	234208	150701	384909	403200	252499	62.6%
2012Q3	9/21/2012	51573	102586	154159	403200	300614	74.6%
2012Q3	9/22/2012	16624	98370	114994	403200	304830	75.6%
2012Q3	9/23/2012	2635	46019	48654	403200	357181	88.6%
2012Q3	9/24/2012	43222	94548	137770	403200	308652	76.6%
2012Q3	9/25/2012	62187	185177	247364	403200	218023	54.1%
2012Q3	9/26/2012	5611	125563	131174	403200	277637	68.9%
2012Q3	9/27/2012	6922	57418	64340	403200	345782	85.8%
2012Q3	9/28/2012	154180	168952	323132	403200	234248	58.1%
2012Q3	9/30/2012	123973	229456	353429	403200	173744	43.1%
2012Q4	10/1/2012	24455	105729	130184	403200	297471	73.8%
2012Q4	10/2/2012	32415	157991	190406	403200	245209	60.8%
2012Q4	10/3/2012	22926	122924	145850	403200	280276	69.5%
2012Q4	10/4/2012	23335	80531	103866	403200	322669	80.0%
2012Q4	10/5/2012	20080	77752	97832	403200	325448	80.7%
2012Q4	10/6/2012	20862	128304	149166	403200	274896	68.2%
2012Q4	10/8/2012	12395	67003	79398	403200	336197	83.4%
2012Q4	10/10/2012	6150	88880	95030	403200	314320	78.0%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2012Q4	10/11/2012	41972	60341	102313	403200	342859	85.0%
2012Q4	10/12/2012	9945	66713	76658	403200	336487	83.5%
2012Q4	10/13/2012	9614	86413	96027	403200	316787	78.6%
2012Q4	10/14/2012	41833	125918	167751	403200	277282	68.8%
2012Q4	10/15/2012	28397	100445	128842	403200	302755	75.1%
2012Q4	10/16/2012	17959	106113	124072	403200	297087	73.7%
2012Q4	10/17/2012	9740	69703	79443	403200	333497	82.7%
2012Q4	10/18/2012	11466	86877	98343	403200	316323	78.5%
2012Q4	10/20/2012	171212	211309	382521	403200	191891	47.6%
2012Q4	10/21/2012	65007	88757	153764	403200	314443	78.0%
2012Q4	10/22/2012	25498	125724	151222	403200	277476	68.8%
2012Q4	10/23/2012	3124	77285	80409	403200	325915	80.8%
2012Q4	10/25/2012	4104	79258	83362	403200	323942	80.3%
2012Q4	10/26/2012	9773	84437	94210	403200	318763	79.1%
2012Q4	11/1/2012	255400	280993	536393	403200	122207	30.3%
2012Q4	11/2/2012	30842	94674	125516	403200	308526	76.5%
2012Q4	11/3/2012	33191	91508	124699	403200	311692	77.3%
2012Q4	11/4/2012	8752	153688	162440	403200	249512	61.9%
2012Q4	11/5/2012	13169	126426	139595	403200	276774	68.6%
2012Q4	11/9/2012	166182	148446	314628	403200	254754	63.2%
2012Q4	11/10/2012	13578	56680	70258	403200	346520	85.9%
2012Q4	11/11/2012	18247	142441	160688	403200	260759	64.7%
2012Q4	11/13/2012	35759	170968	206727	403200	232232	57.6%
2012Q4	11/14/2012	69714	125213	194927	403200	277987	68.9%
2012Q4	11/15/2012	8410	61748	70158	403200	341452	84.7%
2012Q4	11/16/2012	7564	67209	74773	403200	335991	83.3%
2012Q4	11/17/2012	17403	104587	121990	403200	298613	74.1%
2012Q4	11/20/2012	6116	10848	16964	403200	392352	97.3%
2012Q4	11/21/2012	2338	77714	80052	403200	325486	80.7%
2012Q4	11/23/2012	2860	50117	52977	403200	353083	87.6%
2012Q4	11/26/2012	3291	41582	44873	403200	361618	89.7%
2012Q4	11/28/2012	12757	74600	87357	403200	328600	81.5%
2012Q4	11/30/2012	2468	64349	66817	403200	338851	84.0%
2012Q4	12/6/2012	3432	40773	44205	403200	362427	89.9%
2012Q4	12/7/2012	2121	38175	40296	403200	365025	90.5%
2012Q4	12/8/2012	87090	224210	311300	403200	178990	44.4%
2012Q4	12/9/2012	13081	95891	108972	403200	307309	76.2%
2012Q4	12/11/2012	72778	154624	227402	403200	248576	61.7%
2012Q4	12/12/2012	15039	88595	103634	403200	314605	78.0%
2012Q4	12/13/2012	12984	93677	106661	403200	309523	76.8%
2012Q4	12/14/2012	3868	47161	51029	403200	356039	88.3%
2012Q4	12/15/2012	7744	60084	67828	403200	343116	85.1%
2012Q4	12/16/2012	34463	112053	146516	403200	291147	72.2%
2012Q4	12/20/2012	24359	126209	150568	403200	276991	68.7%
2012Q4	12/23/2012	64348	161854	226202	403200	241346	59.9%
2012Q4	12/24/2012	22609	146957	169566	403200	256243	63.6%
2012Q4	12/25/2012	5877	94046	99923	403200	309154	76.7%
2012Q4	12/26/2012	23746	115845	139591	403200	287355	71.3%
2012Q4	12/31/2012	18030	165760	183790	403200	237440	58.9%
2013Q1	1/1/2013	93618	209883	303501	403200	193317	47.9%
2013Q1	1/3/2013	22440	83917	106357	403200	319283	79.2%
2013Q1	1/4/2013	1941	68517	70458	403200	334683	83.0%
2013Q1	1/5/2013	15355	81342	96697	403200	321858	79.8%
2013Q1	1/6/2013	11818	85223	97041	403200	317977	78.9%
2013Q1	1/7/2013	23514	68454	91968	403200	334746	83.0%
2013Q1	1/8/2013	60365	108689	169054	403200	294511	73.0%
2013Q1	1/9/2013	15822	78872	94694	403200	324328	80.4%
2013Q1	1/10/2013	45978	181958	227936	403200	221242	54.9%
2013Q1	1/11/2013	57480	60338	117818	403200	342862	85.0%
2013Q1	1/12/2013	72538	177967	250505	403200	225233	55.9%
2013Q1	1/13/2013	37125	126698	163823	403200	276502	68.6%
2013Q1	1/14/2013	75655	171583	247238	403200	231617	57.4%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2013Q1	1/15/2013	5604	60982	66586	403200	342218	84.9%
2013Q1	1/16/2013	19655	161155	180810	403200	242045	60.0%
2013Q1	1/17/2013	58142	123818	181960	403200	279382	69.3%
2013Q1	1/18/2013	2731	95755	98486	403200	307445	76.3%
2013Q1	1/19/2013	51349	112101	163450	403200	291099	72.2%
2013Q1	1/20/2013	27195	82865	110060	403200	320335	79.4%
2013Q1	1/21/2013	7621	62574	70195	403200	340626	84.5%
2013Q1	1/23/2013	5428	23628	29056	403200	379572	94.1%
2013Q1	1/24/2013	34878	35348	70226	403200	367852	91.2%
2013Q1	1/29/2013	3092	59548	62640	403200	343652	85.2%
2013Q1	1/30/2013	58720	84765	143485	403200	318435	79.0%
2013Q1	2/1/2013	53362	144253	197615	403200	258947	64.2%
2013Q1	2/2/2013	4928	36306	41234	403200	366894	91.0%
2013Q1	2/3/2013	4215	47504	51719	403200	355696	88.2%
2013Q1	2/4/2013	16113	48002	64115	403200	355198	88.1%
2013Q1	2/5/2013	9636	49181	58817	403200	354019	87.8%
2013Q1	2/6/2013	38708	119103	157811	403200	284097	70.5%
2013Q1	2/7/2013	12942	12141	25083	403200	391059	97.0%
2013Q1	2/11/2013	33800	136898	170698	403200	266302	66.0%
2013Q1	2/12/2013	96948	291802	388750	403200	111398	27.6%
2013Q1	2/13/2013	63387	151896	215283	403200	251304	62.3%
2013Q1	2/14/2013	51731	131891	183622	403200	271309	67.3%
2013Q1	2/16/2013	178226	126426	304652	403200	276774	68.6%
2013Q1	2/17/2013	75875	99532	175407	403200	303668	75.3%
2013Q1	2/18/2013	15017	57066	72083	403200	346134	85.8%
2013Q1	2/19/2013	104732	140586	245318	403200	262614	65.1%
2013Q1	2/21/2013	23531	93228	116759	403200	309972	76.9%
2013Q1	2/22/2013	17737	134263	152000	403200	268937	66.7%
2013Q1	2/23/2013	51182	118260	169442	403200	284940	70.7%
2013Q1	3/3/2013	53986	213168	267154	403200	190032	47.1%
2013Q1	3/4/2013	23654	129047	152701	403200	274153	68.0%
2013Q1	3/5/2013	7561	99802	107363	403200	303398	75.2%
2013Q1	3/6/2013	33741	154323	188064	403200	248877	61.7%
2013Q1	3/14/2013	193686	164583	358269	403200	238617	59.2%
2013Q1	3/15/2013	29076	51612	80688	403200	351588	87.2%
2013Q1	3/16/2013	41766	101142	142908	403200	302058	74.9%
2013Q1	3/17/2013	25939	149230	175169	403200	253970	63.0%
2013Q1	3/18/2013	16594	64167	80761	403200	339033	84.1%
2013Q1	3/21/2013	116285	170628	286913	403200	232572	57.7%
2013Q1	3/22/2013	71545	156919	228464	403200	246281	61.1%
2013Q1	3/23/2013	66275	147989	214264	403200	255211	63.3%
2013Q1	3/25/2013	27547	142496	170043	403200	260704	64.7%
2013Q1	3/26/2013	62866	145892	208758	403200	257308	63.8%
2013Q1	3/27/2013	113537	154659	268196	403200	248541	61.6%
2013Q1	3/28/2013	27737	71037	98774	403200	332163	82.4%
2013Q1	3/29/2013	12415	71376	83791	403200	331824	82.3%
2013Q1	3/31/2013	20486	83968	104454	403200	319232	79.2%
2013Q2	4/1/2013	7396	103290	110686	403200	299910	74.4%
2013Q2	4/2/2013	13367	101424	114791	403200	301776	74.8%
2013Q2	4/3/2013	20510	57296	77806	403200	345904	85.8%
2013Q2	4/4/2013	21295	66032	87327	403200	337168	83.6%
2013Q2	4/5/2013	1817	76918	78735	403200	326282	80.9%
2013Q2	4/6/2013	11244	55636	66880	403200	347564	86.2%
2013Q2	4/8/2013	5977	54009	59986	403200	349191	86.6%
2013Q2	4/9/2013	11029	79535	90564	403200	323665	80.3%
2013Q2	4/10/2013	8368	68864	77232	403200	334336	82.9%
2013Q2	4/11/2013	10674	60021	70695	403200	343179	85.1%
2013Q2	4/12/2013	73556	138810	212366	403200	264390	65.6%
2013Q2	4/13/2013	110231	113317	223548	403200	289883	71.9%
2013Q2	4/14/2013	28674	138346	167020	403200	264854	65.7%
2013Q2	4/15/2013	15091	52585	67676	403200	350615	87.0%
2013Q2	4/16/2013	18742	93993	112735	403200	309207	76.7%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2013Q2	4/17/2013	7784	75092	82876	403200	328108	81.4%
2013Q2	4/18/2013	3656	54820	58476	403200	348380	86.4%
2013Q2	4/20/2013	100947	210377	311324	403200	192823	47.8%
2013Q2	4/21/2013	11595	66129	77724	403200	337071	83.6%
2013Q2	4/22/2013	11632	57116	68748	403200	346084	85.8%
2013Q2	4/23/2013	5826	73180	79006	403200	330020	81.9%
2013Q2	4/24/2013	26799	69357	96156	403200	333843	82.8%
2013Q2	4/25/2013	14175	47807	61982	403200	355393	88.1%
2013Q2	4/26/2013	1911	43186	45097	403200	360014	89.3%
2013Q2	4/28/2013	12681	34970	47651	403200	368230	91.3%
2013Q2	4/30/2013	1766	37196	38962	403200	366004	90.8%
2013Q2	5/1/2013	8309	49234	57543	403200	353966	87.8%
2013Q2	5/3/2013	8128	62334	70462	403200	340866	84.5%
2013Q2	5/4/2013	3496	72267	75763	403200	330933	82.1%
2013Q2	5/6/2013	4206	59208	63414	403200	343992	85.3%
2013Q2	5/7/2013	1724	49614	51338	403200	353586	87.7%
2013Q2	5/8/2013	37970	59578	97548	403200	343622	85.2%
2013Q2	5/9/2013	196008	169164	365172	403200	234036	58.0%
2013Q2	5/10/2013	185522	163113	348635	403200	240087	59.5%
2013Q2	5/11/2013	23313	131082	154395	403200	272118	67.5%
2013Q2	5/12/2013	21941	83413	105354	403200	319787	79.3%
2013Q2	5/13/2013	18252	73953	92205	403200	329247	81.7%
2013Q2	5/14/2013	14331	71937	86268	403200	331263	82.2%
2013Q2	5/17/2013	8517	21741	30258	403200	381459	94.6%
2013Q2	5/19/2013	3263	68080	71343	403200	335120	83.1%
2013Q2	5/20/2013	3969	85384	89353	403200	317816	78.8%
2013Q2	5/22/2013	6173	56929	63102	403200	346271	85.9%
2013Q2	5/23/2013	25551	44620	70171	403200	358580	88.9%
2013Q2	5/27/2013	102156	135039	237195	403200	268161	66.5%
2013Q2	5/28/2013	18861	74833	93694	403200	328367	81.4%
2013Q2	5/31/2013	91483	225591	317074	403200	177609	44.0%
2013Q2	6/1/2013	3903	87814	91717	403200	315386	78.2%
2013Q2	6/2/2013	40215	115808	156023	403200	287392	71.3%
2013Q2	6/3/2013	65133	154720	219853	403200	248480	61.6%
2013Q2	6/4/2013	87628	134452	222080	403200	268748	66.7%
2013Q2	6/5/2013	11038	98225	109263	403200	304975	75.6%
2013Q2	6/6/2013	30795	59945	90740	403200	343255	85.1%
2013Q2	6/20/2013	6717	134895	141612	403200	268305	66.5%
2013Q2	6/21/2013	21891	70811	92702	403200	332389	82.4%
2013Q2	6/22/2013	24453	98463	122916	403200	304737	75.6%
2013Q2	6/23/2013	8885	66055	74940	403200	337145	83.6%
2013Q2	6/24/2013	38967	113042	152009	403200	290158	72.0%
2013Q2	6/25/2013	11683	103878	115561	403200	299322	74.2%
2013Q2	6/26/2013	1819	120193	122012	403200	283007	70.2%
2013Q2	6/27/2013	153205	127835	281040	403200	275365	68.3%
2013Q2	6/28/2013	183195	179106	362301	403200	224094	55.6%
2013Q2	6/30/2013	20459	89918	110377	403200	313282	77.7%
2013Q3	7/1/2013	17186	72257	89443	403200	330943	82.1%
2013Q3	7/2/2013	17098	84664	101762	403200	318536	79.0%
2013Q3	7/3/2013	11732	91751	103483	403200	311449	77.2%
2013Q3	7/5/2013	2330	52793	55123	403200	350407	86.9%
2013Q3	7/6/2013	9518	62613	72131	403200	340587	84.5%
2013Q3	7/7/2013	7879	32398	40277	403200	370802	92.0%
2013Q3	7/8/2013	10952	61715	72667	403200	341485	84.7%
2013Q3	7/9/2013	10451	78995	89446	403200	324205	80.4%
2013Q3	7/11/2013	4572	72836	77408	403200	330364	81.9%
2013Q3	7/13/2013	2778	45929	48707	403200	357271	88.6%
2013Q3	7/14/2013	7188	70663	77851	403200	332537	82.5%
2013Q3	7/15/2013	5067	64308	69375	403200	338892	84.1%
2013Q3	7/16/2013	4054	44996	49050	403200	358204	88.8%
2013Q3	7/17/2013	4535	58067	62602	403200	345133	85.6%
2013Q3	7/19/2013	2515	38748	41263	403200	364452	90.4%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2013Q3	7/25/2013	29897	126097	155994	403200	277103	68.7%
2013Q3	7/28/2013	22884	105109	127993	403200	298091	73.9%
2013Q3	7/29/2013	24616	152356	176972	403200	250844	62.2%
2013Q3	7/30/2013	20055	112246	132301	403200	290954	72.2%
2013Q3	7/31/2013	9223	77361	86584	403200	325839	80.8%
2013Q3	8/2/2013	51507	155546	207053	403200	247654	61.4%
2013Q3	8/3/2013	5170	81023	86193	403200	322177	79.9%
2013Q3	8/4/2013	14860	85275	100135	403200	317925	78.9%
2013Q3	8/5/2013	5189	62974	68163	403200	340226	84.4%
2013Q3	8/6/2013	7363	61609	68972	403200	341591	84.7%
2013Q3	8/7/2013	6511	58838	65349	403200	344362	85.4%
2013Q3	8/11/2013	12113	129543	141656	403200	273657	67.9%
2013Q3	8/12/2013	3474	73895	77369	403200	329305	81.7%
2013Q3	8/13/2013	5757	55028	60785	403200	348172	86.4%
2013Q3	8/14/2013	6289	56601	62890	403200	346599	86.0%
2013Q3	8/16/2013	4988	48844	53832	403200	354356	87.9%
2013Q3	8/19/2013	8245	63569	71814	403200	339631	84.2%
2013Q3	8/21/2013	2693	44414	47107	403200	358786	89.0%
2013Q3	8/26/2013	3083	32086	35169	403200	371114	92.0%
2013Q3	8/31/2013	7516	36312	43828	403200	366888	91.0%
2013Q3	9/1/2013	187731	197431	385162	403200	205769	51.0%
2013Q3	9/2/2013	50743	132472	183215	403200	270728	67.1%
2013Q3	9/3/2013	8039	83386	91425	403200	319814	79.3%
2013Q3	9/6/2013	2393	36210	38603	403200	366990	91.0%
2013Q3	9/7/2013	2183	62310	64493	403200	340890	84.5%
2013Q3	9/10/2013	3061	57403	60464	403200	345797	85.8%
2013Q3	9/11/2013	2019	53500	55519	403200	349700	86.7%
2013Q3	9/12/2013	212393	91709	304102	403200	311491	77.3%
2013Q3	9/14/2013	23751	108165	131916	403200	295035	73.2%
2013Q3	9/15/2013	8988	57979	66967	403200	345221	85.6%
2013Q3	9/16/2013	14269	163435	177704	403200	239765	59.5%
2013Q3	9/17/2013	4940	81977	86917	403200	321223	79.7%
2013Q3	9/22/2013	32254	101627	133881	403200	301573	74.8%
2013Q3	9/23/2013	27616	57767	85383	403200	345433	85.7%
2013Q3	9/24/2013	3310	42433	45743	403200	360767	89.5%
2013Q3	9/27/2013	3125	30973	34098	403200	372227	92.3%
2013Q4	10/4/2013	1364	20886	22250	403200	382314	94.8%
2013Q4	10/6/2013	10629	105728	116357	403200	297472	73.8%
2013Q4	10/7/2013	22075	65601	87676	403200	337599	83.7%
2013Q4	10/10/2013	4151	36945	41096	403200	366255	90.8%
2013Q4	10/14/2013	3271	28194	31465	403200	375006	93.0%
2013Q4	10/23/2013	5527	19547	25074	403200	383653	95.2%
2013Q4	10/31/2013	3964	20788	24752	403200	382412	94.8%
2013Q4	11/3/2013	7161	39474	46635	403200	363726	90.2%
2013Q4	11/7/2013	5291	77722	83013	403200	325478	80.7%
2013Q4	11/8/2013	13411	71497	84908	403200	331703	82.3%
2013Q4	11/10/2013	3896	43688	47584	403200	359512	89.2%
2013Q4	11/18/2013	5626	83186	88812	403200	320014	79.4%
2013Q4	11/19/2013	2239	46035	48274	403200	357165	88.6%
2013Q4	11/20/2013	1876	34423	36299	403200	368777	91.5%
2013Q4	11/22/2013	2147	66267	68414	403200	336933	83.6%
2013Q4	11/23/2013	3142	35985	39127	403200	367215	91.1%
2013Q4	11/25/2013	7836	24563	32399	403200	378637	93.9%
2013Q4	11/29/2013	8988	134168	143156	403200	269032	66.7%
2013Q4	12/1/2013	69204	212179	281383	403200	191021	47.4%
2013Q4	12/2/2013	89012	157962	246974	403200	245238	60.8%
2013Q4	12/3/2013	12105	63053	75158	403200	340147	84.4%
2013Q4	12/5/2013	2929	46462	49391	403200	356738	88.5%
2013Q4	12/6/2013	30283	76313	106596	403200	326887	81.1%
2013Q4	12/7/2013	90213	213453	303666	403200	189747	47.1%
2013Q4	12/8/2013	76289	198214	274503	403200	204986	50.8%
2013Q4	12/9/2013	91035	214286	305321	403200	188914	46.9%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2013Q4	12/10/2013	131038	199817	330855	403200	203383	50.4%
2013Q4	12/11/2013	13545	80478	94023	403200	322722	80.0%
2013Q4	12/12/2013	7292	49050	56342	403200	354150	87.8%
2013Q4	12/15/2013	42894	172523	215417	403200	230677	57.2%
2013Q4	12/16/2013	17045	85611	102656	403200	317589	78.8%
2013Q4	12/20/2013	72916	181123	254039	403200	222077	55.1%
2013Q4	12/25/2013	38369	111123	149492	403200	292077	72.4%
2013Q4	12/26/2013	9577	81710	91287	403200	321490	79.7%
2013Q4	12/27/2013	15481	82294	97775	403200	320906	79.6%
2013Q4	12/31/2013	1692	114718	116410	403200	288482	71.5%
2014Q1	1/1/2014	28271	90135	118406	403200	313065	77.6%
2014Q1	1/2/2014	1947	7427	9374	403200	395773	98.2%
2014Q1	1/4/2014	3972	49462	53434	403200	353738	87.7%
2014Q1	1/7/2014	115656	181288	296944	403200	221912	55.0%
2014Q1	1/10/2014	16233	78300	94533	403200	324900	80.6%
2014Q1	1/11/2014	163688	215588	379276	403200	187612	46.5%
2014Q1	1/16/2014	52236	168311	220547	403200	234889	58.3%
2014Q1	1/17/2014	58009	83477	141486	403200	319723	79.3%
2014Q1	1/18/2014	83127	229696	312823	403200	173504	43.0%
2014Q1	1/20/2014	155194	231411	386605	403200	171789	42.6%
2014Q1	1/21/2014	13133	79582	92715	403200	323618	80.3%
2014Q1	1/22/2014	6588	62514	69102	403200	340686	84.5%
2014Q1	1/24/2014	3296	48228	51524	403200	354972	88.0%
2014Q1	1/25/2014	6444	54280	60724	403200	348920	86.5%
2014Q1	1/27/2014	3937	61597	65534	403200	341603	84.7%
2014Q1	1/28/2014	37335	45793	83128	403200	357407	88.6%
2014Q1	2/1/2014	12487	46589	59076	403200	356611	88.4%
2014Q1	2/2/2014	14358	48319	62677	403200	354881	88.0%
2014Q1	2/3/2014	10295	64761	75056	403200	338439	83.9%
2014Q1	2/4/2014	20936	88125	109061	403200	315075	78.1%
2014Q1	2/6/2014	3269	56656	59925	403200	346544	85.9%
2014Q1	2/10/2014	9131	49418	58549	403200	353782	87.7%
2014Q1	2/11/2014	2515	36935	39450	403200	366265	90.8%
2014Q1	2/13/2014	2225	123336	125561	403200	279864	69.4%
2014Q1	2/17/2014	27793	92874	120667	403200	310326	77.0%
2014Q1	2/19/2014	14460	107930	122390	403200	295270	73.2%
2014Q1	2/25/2014	70896	149374	220270	403200	253826	63.0%
2014Q1	2/26/2014	39520	112602	152122	403200	290598	72.1%
2014Q1	2/27/2014	80530	125654	206184	403200	277546	68.8%
2014Q1	3/5/2014	21187	88990	110177	403200	314210	77.9%
2014Q1	3/8/2014	23246	151297	174543	403200	251903	62.5%
2014Q1	3/9/2014	119580	152581	272161	403200	250619	62.2%
2014Q1	3/10/2014	31934	107627	139561	403200	295573	73.3%
2014Q1	3/12/2014	75593	192023	267616	403200	211177	52.4%
2014Q1	3/13/2014	42975	150060	193035	403200	253140	62.8%
2014Q1	3/14/2014	30323	148202	178525	403200	254998	63.2%
2014Q1	3/16/2014	10898	101697	112595	403200	301503	74.8%
2014Q1	3/17/2014	3030	53505	56535	403200	349695	86.7%
2014Q1	3/18/2014	7407	74759	82166	403200	328441	81.5%
2014Q1	3/19/2014	51487	157380	208867	403200	245820	61.0%
2014Q1	3/20/2014	163195	219474	382669	403200	183726	45.6%
2014Q1	3/21/2014	23094	98963	122057	403200	304237	75.5%
2014Q1	3/22/2014	17821	60992	78813	403200	342208	84.9%
2014Q1	3/24/2014	5618	67858	73476	403200	335342	83.2%
2014Q1	3/25/2014	12512	98937	111449	403200	304263	75.5%
2014Q1	3/27/2014	9379	73797	83176	403200	329403	81.7%
2014Q1	3/28/2014	22667	121650	144317	403200	281550	69.8%
2014Q1	3/29/2014	231344	163627	394971	403200	239573	59.4%
2014Q2	4/3/2014	107215	264250	371465	403200	138950	34.5%
2014Q2	4/4/2014	32301	207946	240247	403200	195254	48.4%
2014Q2	4/5/2014	176834	216390	393224	403200	186810	46.3%
2014Q2	4/6/2014	59243	180084	239327	403200	223116	55.3%

Quarter	Date	Discharge from Outfalls in Gallons per Day (GPD)		Daily Discharge from 01A & 01C (GPD)	Daily Limit for Outfall 01C (GPD)	Unused Daily Capacity at Outfall 01C	
		01A (GPD)	01C (GPD)			(GPD)	(%)
2014Q2	4/7/2014	93897	167331	261228	403200	235869	58.5%
2014Q2	4/9/2014	81015	179834	260849	403200	223366	55.4%
2014Q2	4/10/2014	56106	189203	245309	403200	213997	53.1%
2014Q2	4/11/2014	32077	145055	177132	403200	258145	64.0%
2014Q2	4/12/2014	56723	113648	170371	403200	289552	71.8%
2014Q2	4/13/2014	18145	71749	89894	403200	331451	82.2%
2014Q2	4/14/2014	28056	130532	158588	403200	272668	67.6%
2014Q2	4/15/2014	203922	192864	396786	403200	210336	52.2%
2014Q2	4/17/2014	89662	274237	363899	403200	128963	32.0%
2014Q2	4/18/2014	80853	122947	203800	403200	280253	69.5%
2014Q2	4/19/2014	9020	101910	110930	403200	301290	74.7%
2014Q2	4/20/2014	2549	73617	76166	403200	329583	81.7%
2014Q2	4/21/2014	65984	154546	220530	403200	248654	61.7%
2014Q2	4/22/2014	18991	117559	136550	403200	285641	70.8%
2014Q2	4/23/2014	61467	192525	253992	403200	210675	52.3%
2014Q2	4/24/2014	15072	130014	145086	403200	273186	67.8%
2014Q2	4/25/2014	17974	77182	95156	403200	326018	80.9%
2014Q2	4/26/2014	12066	131694	143760	403200	271506	67.3%
2014Q2	4/27/2014	43395	107987	151382	403200	295213	73.2%
2014Q2	4/28/2014	1982	123369	125351	403200	279831	69.4%
2014Q2	4/29/2014	30316	92432	122748	403200	310768	77.1%
2014Q2	4/30/2014	25274	111231	136505	403200	291969	72.4%
2014Q2	5/2/2014	54244	233411	287655	403200	169789	42.1%
2014Q2	5/3/2014	146425	168273	314698	403200	234927	58.3%
2014Q2	5/4/2014	18846	165978	184824	403200	237222	58.8%
2014Q2	5/5/2014	20297	105070	125367	403200	298130	73.9%
2014Q2	5/6/2014	14504	63849	78353	403200	339351	84.2%
2014Q2	5/7/2014	9308	77086	86394	403200	326114	80.9%
2014Q2	5/8/2014	538	66275	66813	403200	336925	83.6%
2014Q2	5/10/2014	193382	145317	338699	403200	257883	64.0%
2014Q2	5/11/2014	78074	213734	291808	403200	189466	47.0%
2014Q2	5/12/2014	19941	103808	123749	403200	299392	74.3%
2014Q2	5/13/2014	16183	124519	140702	403200	278681	69.1%
2014Q2	5/14/2014	12624	74412	87036	403200	328788	81.5%
2014Q2	5/16/2014	27176	94036	121212	403200	309164	76.7%
2014Q2	5/18/2014	149787	182403	332190	403200	220797	54.8%
2014Q2	5/19/2014	29748	89163	118911	403200	314037	77.9%
2014Q2	5/20/2014	24038	122357	146395	403200	280843	69.7%
2014Q2	5/22/2014	16886	118896	135782	403200	284304	70.5%
2014Q2	5/23/2014	26525	98363	124888	403200	304837	75.6%
2014Q2	5/24/2014	39695	103906	143601	403200	299294	74.2%
2014Q2	5/25/2014	8909	71145	80054	403200	332055	82.4%
2014Q2	5/27/2014	120368	118896	239264	403200	284304	70.5%
2014Q2	5/28/2014	144442	246364	390806	403200	156836	38.9%
2014Q2	5/29/2014	29837	174517	204354	403200	228683	56.7%
2014Q2	5/30/2014	1858	89342	91200	403200	313858	77.8%
2014Q2	5/31/2014	31,804	79914	111718	403200	323286	80.2%

EXHIBIT 2

Violations of State Water Quality Standards

Date	Outfall	Parameter	Reported Value (µg/L)	Limit for Human Health for Consumption of:		% Exceedence of Limit for Consumption of:	
				Water + Organism (µg/L)	Organism Only (µg/L)	Water + Organism	Organism Only
1/1/2016 – 3/31/2016	01A	Benzo(b)fluoranthene	0.0532	0.0038	0.018	1300%	196%
7/1/2015 – 9/30/2015	01A	Benzo(a)anthracene	0.0587	0.0038	0.018	1445%	226%
7/1/2015 – 9/30/2015	01A	Benzo(b)fluoranthene	0.0881	0.0038	0.018	2218%	389%
7/1/2015 – 9/30/2015	01A	Benzo(k)fluoranthene	0.072	0.0038	0.018	1795%	300%
1/4/2015	01A	Chrysene	0.0268	0.0038	0.018	605%	49%
10/1/2014	01A	Benzo(a)pyrene	0.0535	0.0038	0.018	1308%	197%
10/1/2014	01A	Benzo(b)fluoranthene	0.0856	0.0038	0.018	2153%	376%
10/1/2014	01A	Indeno(1,2,3-cd)pyrene	0.0713	0.0038	0.018	1776%	296%
7/4/2014	01A	Benzo(a)pyrene	0.03	0.0038	0.018	689%	67%
7/4/2014	01A	Benzo(b)fluoranthene	0.0261	0.0038	0.018	587%	45%
7/4/2014	01A	Chrysene	0.0453	0.0038	0.018	1092%	152%
1/6/2014	01A	Benzo(a)anthracene	0.13	0.0038	0.018	3321%	622%
1/6/2014	01A	Benzo(a)pyrene	0.0901	0.0038	0.018	2271%	401%
1/6/2014	01A	Benzo(b)fluoranthene	0.191	0.0038	0.018	4926%	961%
1/6/2014	01A	Benzo(k)fluoranthene	0.0884	0.0038	0.018	2226%	391%
1/6/2014	01A	Chrysene	0.179	0.0038	0.018	4611%	894%
12/12/2013	01C	Benzo(k)fluoranthene	0.0212	0.0038	0.018	458%	18%
7/23/2013	01A	Chrysene	0.0287	0.0038	0.018	655%	59%
5/9/2013	01A	Benzo(a)pyrene	0.0509	0.0038	0.018	1239%	183%
5/9/2013	01A	Benzo(b)fluoranthene	0.08	0.0038	0.018	2005%	344%
5/9/2013	01A	Chrysene	0.061	0.0038	0.018	1505%	239%
5/9/2013	01A	Indeno(1,2,3-cd)pyrene	0.105	0.0038	0.018	2663%	483%
4/12/2013	01A	Benzo(a)anthracene	0.0222	0.0038	0.018	484%	23%
4/12/2013	01A	Benzo(a)pyrene	0.0702	0.0038	0.018	1747%	290%
4/12/2013	01A	Benzo(b)fluoranthene	0.0924	0.0038	0.018	2332%	413%
4/12/2013	01A	Chrysene	0.142	0.0038	0.018	3637%	689%

EXHIBIT 3

Effluent Violations of NPDES Permit

Quarter	Date	Outfall	Parameter	Limit Type	Unit	Permit Limit	Reported Discharge	% Exceedence of Permit Limit
2016Q2	4/1/2016 – 6/30/2016	01A	Anthracene	Max. Daily	µg/L	0.031	0.782	2423%
2016Q2	4/1/2016 – 6/30/2016	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.47	1416%
2016Q2	4/1/2016 – 6/30/2016	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.21	577%
2016Q2	4/1/2016 – 6/30/2016	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.877	2729%
2016Q2	4/1/2016 – 6/30/2016	01A	Pyrene	Max. Daily	µg/L	0.031	0.325	948%
2016Q2	4/1/2016 – 6/30/2016	01A	Fluorene	Max. Daily	µg/L	0.031	0.458	1377%
2016Q1	1/1/2016 – 3/31/2016	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.559	1703%
2016Q1	1/1/2016 – 3/31/2016	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.28	803%
2016Q1	1/1/2016 – 3/31/2016	01A	Phenanthrene	Max. Daily	µg/L	0.031	1.59	5029%
2016Q1	1/1/2016 – 3/31/2016	01A	Pyrene	Max. Daily	µg/L	0.031	0.254	719%
2016Q1	1/1/2016 – 3/31/2016	01A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.0532	72%
2016Q1	1/1/2016 – 3/31/2016	01A	Acenaphthylene	Max. Daily	µg/L	0.031	6.39	20513%
2016Q1	1/1/2016 – 3/31/2016	01A	Anthracene	Max. Daily	µg/L	0.031	1.07	3352%
2016Q1	1/1/2016 – 3/31/2016	01A	Fluorene	Max. Daily	µg/L	0.031	2.63	8384%
2015Q4	10/13/2015	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.562	1713%
2015Q4	10/13/2015	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.0404	30%
2015Q4	10/13/2015	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.197	535%
2015Q4	10/13/2015	01A	Pyrene	Max. Daily	µg/L	0.031	0.111	258%
2015Q3	7/1/2015 – 9/30/2015	01A	Benzo(a)anthracene	Max. Daily	µg/L	0.031	0.0587	89%
2015Q3	7/1/2015 – 9/30/2015	01A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.0881	184%
2015Q3	7/1/2015 – 9/30/2015	01A	Benzo(k)fluoranthene	Max. Daily	µg/L	0.031	0.072	132%
2015Q2	4/1/2015 – 6/30/2015	01A	Fluorene	Max. Daily	µg/L	0.031	1.53	4835%
2015Q2	4/20/2015	01A	Acenaphthene	Max. Daily	µg/L	0.031	1.42	4481%
2015Q2	4/20/2015	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.248	700%
2015Q2	4/20/2015	01A	Anthracene	Max. Daily	µg/L	0.031	0.168	442%
2015Q2	4/20/2015	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.297	858%
2015Q2	4/20/2015	01A	Pyrene	Max. Daily	µg/L	0.031	0.0691	123%
2015Q1	1/4/2015	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.299	865%

Quarter	Date	Outfall	Parameter	Limit Type	Unit	Permit Limit	Reported Discharge	% Exceedence of Permit Limit
2015Q1	1/4/2015	01A	Anthracene	Max. Daily	µg/L	0.031	0.097	213%
2015Q1	1/4/2015	01A	Pyrene	Max. Daily	µg/L	0.031	0.283	813%
2015Q1	1/4/2015	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.3	868%
2015Q1	1/4/2015	01A	Fluorene	Max. Daily	µg/L	0.031	0.301	871%
2015Q1	1/4/2015	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.408	1216%
2014Q4	10/1/2014	01A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.0535	73%
2014Q4	10/1/2014	01A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.0856	176%
2014Q4	10/1/2014	01A	Indeno(1,2,3-cd)pyrene	Max. Daily	µg/L	0.031	0.0713	130%
2014Q4	10/1/2014	01A	Benzo(ghi)perylene	Max. Daily	µg/L	0.031	0.0544	75%
2014Q4	10/1/2014	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.233	652%
2014Q4	10/1/2014	01A	Fluorene	Max. Daily	µg/L	0.031	0.0548	77%
2014Q4	10/1/2014	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.134	332%
2014Q4	10/1/2014	01A	Pyrene	Max. Daily	µg/L	0.031	0.269	768%
2014Q3	7/4/2014	01A	Chrysene	Max. Daily	µg/L	0.031	0.0453	46%
2014Q3	7/4/2014	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.172	455%
2014Q3	7/4/2014	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.11	255%
2014Q3	7/4/2014	01A	Pyrene	Max. Daily	µg/L	0.031	0.156	403%
2014Q2	5/17/2014	01A	Total Suspended Solids	Max. Daily	Mg/L	100	127	27%
2014Q2	5/8/2014	01C	Phenanthrene	Max/ Daily	µg/L	0.031	0.0485	56%
2014Q2	4/8/2014	01A	Fluorene	Max. Daily	µg/L	0.031	1.1	3448%
2014Q2	4/8/2014	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.914	2848%
2014Q2	4/8/2014	01A	Anthracene	Max. Daily	µg/L	0.031	0.231	645%
2014Q2	4/8/2014	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.163	423%
2014Q2	4/8/2014	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.239	671%
2014Q2	4/8/2014	01A	Pyrene	Max. Daily	µg/L	0.031	0.124	300%
2014Q1	1/6/2014	01A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.191	516%
2014Q1	1/6/2014	01A	Benzo(k)fluoranthene	Max. Daily	µg/L	0.031	0.0884	185%
2014Q1	1/6/2014	01A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.0901	191%

Quarter	Date	Outfall	Parameter	Limit Type	Unit	Permit Limit	Reported Discharge	Percentage in Exceedance
2014Q1	1/6/2014	01A	Benzo(a)anthracene	Max. Daily	µg/L	0.031	0.13	319%
2014Q1	1/6/2014	01A	Chrysene	Max. Daily	µg/L	0.031	0.179	477%
2014Q1	1/6/2014	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.774	2397%
2014Q1	1/6/2014	01A	Fluorene	Max. Daily	µg/L	0.031	0.556	1694%
2014Q1	1/6/2014	01A	Pyrene	Max. Daily	µg/L	0.031	0.439	1316%
2014Q1	1/6/2014	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.581	1774%
2014Q1	1/6/2014	01A	Anthracene	Max. Daily	µg/L	0.031	0.232	648%
2014Q1	1/6/2014	01A	Naphthalene	Max. Daily	µg/L	0.031	0.754	2332%
2013Q4	10/1/2013 – 12/31/2013	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.33	481%
2013Q4	12/12/2013	01C	Benzo(k)fluoranthene	Max. Daily	µg/L	0.018	0.0212	18%
2013Q3	9/18/2013	01C	Acenaphthene	Max. Daily	µg/L	0.031	0.209	574%
2013Q3	9/18/2013	01C	Phenanthrene	Max. Daily	µg/L	0.031	0.0536	73%
2013Q3	7/23/2013	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.916	2855%
2013Q3	7/23/2013	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.147	374%
2013Q3	7/23/2013	01A	Pyrene	Max. Daily	µg/L	0.031	0.0856	176%
2013Q2	5/9/2013	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.564	1719%
2013Q2	5/9/2013	01A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.08	158%
2013Q2	5/9/2013	01A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.0509	64%
2013Q2	5/9/2013	01A	Benzo(g,h,i)perylene	Max. Daily	µg/L	0.031	0.147	374%
2013Q2	5/9/2013	01A	Fluorene	Max. Daily	µg/L	0.031	0.175	465%
2013Q2	5/9/2013	01A	Indeno(1,2,3-cd)pyrene	Max. Daily	µg/L	0.031	0.105	239%
2013Q2	5/9/2013	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.215	594%
2013Q2	5/9/2013	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.441	1323%
2013Q2	5/9/2013	01A	Pyrene	Max. Daily	µg/L	0.031	0.469	1413%
2013Q2	5/9/2013	01A	Chrysene	Max. Daily	µg/L	0.031	0.061	97%
2013Q2	4/12/2013	01A	Chrysene	Max. Daily	µg/L	0.031	0.142	358%
2013Q2	4/12/2013	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.368	1087%
2013Q2	4/12/2013	01A	Pyrene	Max. Daily	µg/L	0.031	0.384	1139%

Quarter	Date	Outfall	Parameter	Limit Type	Unit	Permit Limit	Reported Discharge	Percentage in Exceedance
2013Q2	4/12/2013	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.162	423%
2013Q2	4/12/2013	01A	Fluorene	Max. Daily	µg/L	0.031	0.147	374%
2013Q2	4/12/2013	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.174	461%
2013Q2	4/12/2013	01A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.0702	126%
2013Q2	4/12/2013	01A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.0924	198%
2013Q1	3/12/2013	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.23	642%
2013Q1	3/12/2013	01A	Fluorene	Max. Daily	µg/L	0.031	0.648	1990%
2013Q1	3/12/2013	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.872	2713%
2013Q1	3/12/2013	01A	Anthracene	Max. Daily	µg/L	0.031	0.133	329%
2013Q1	3/12/2013	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.302	874%
2013Q1	3/12/2013	01A	Pyrene	Max. Daily	µg/L	0.031	0.104	235%
2013Q1	1/23/2013	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.753	2329%
2013Q1	1/23/2013	01A	Acenaphthylene	Max. Daily	µg/L	0.031	0.316	919%
2013Q1	1/23/2013	01A	Anthracene	Max. Daily	µg/L	0.031	0.146	371%
2013Q1	1/23/2013	01A	Fluoranthene	Max. Daily	µg/L	0.031	0.195	529%
2013Q1	1/23/2013	01A	Fluorene	Max. Daily	µg/L	0.031	0.852	2648%
2013Q1	1/23/2013	01A	Naphthalene	Max. Daily	µg/L	0.031	0.829	2574%
2013Q1	1/23/2013	01A	Phenanthrene	Max. Daily	µg/L	0.031	0.351	1032%
2013Q1	1/23/2013	01A	Pyrene	Max. Daily	µg/L	0.031	0.157	406%
2012Q3	9/4/2012	01A	Pyrene	Max. Daily	µg/L	0.031	0.0936	202%
2012Q1	1/12/2012	01A	Acenaphthene	Max. Daily	µg/L	0.031	0.62	1900%
2012Q1	1/12/2012	01A	Fluorene	Max. Daily	µg/L	0.031	0.24	674%
2012Q1	1/12/2012	01A	Pyrene	Max. Daily	µg/L	0.031	0.118	281%
2011Q4	12/7/2011	001A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.13	319%
2011Q4	12/7/2011	001A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.152	390%
2011Q4	12/7/2011	001A	Chrysene	Max. Daily	µg/L	0.031	0.247	697%
2011Q4	12/7/2011	001A	Fluoranthene(2C)	Max. Daily	µg/L	0.031	0.311	903%
2011Q4	12/7/2011	001A	Pyrene	Max. Daily	µg/L	0.031	0.247	697%

Quarter	Date	Outfall	Parameter	Limit Type	Unit	Permit Limit	Reported Discharge	Percentage in Exceedance
2011Q4	11/10/2011	001A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.183	490%
2011Q4	11/10/2011	001A	Benzo(g,h,i)perylene(2C)	Max. Daily	µg/L	0.031	0.211	581%
2011Q4	11/10/2011	001A	Chrysene	Max. Daily	µg/L	0.031	0.29	835%
2011Q4	11/10/2011	001A	Fluoranthene	Max. Daily	µg/L	0.031	0.726	2242%
2011Q4	11/10/2011	001A	Pyrene	Max. Daily	µg/L	0.031	0.797	2471%
2011Q3	9/6/2011	001A	Chrysene	Max. Daily	µg/L	0.031	1.52	4803%
2011Q3	9/6/2011	001A	Pyrene	Max. Daily	µg/L	0.031	0.664	2042%
2011Q3	8/2/2011	001A	Benzo(a)anthracene(2C)	Max. Daily	µg/L	0.031	0.279	800%
2011Q3	8/2/2011	001A	Chrysene	Max. Daily	µg/L	0.031	0.144	329%
2011Q3	8/2/2011	001A	Fluoranthene(2C)	Max. Daily	µg/L	0.031	1.48	4674%
2011Q3	8/2/2011	001A	Fluorene	Max. Daily	µg/L	0.031	1.04	3255%
2011Q3	8/2/2011	001A	Naphthalene(2C)	Max. Daily	µg/L	0.031	5.62	18029%
2011Q3	8/2/2011	001A	Phenanthrene(2C)	Max. Daily	µg/L	0.031	7.12	22868%
2011Q3	8/2/2011	001A	Pyrene	Max. Daily	µg/L	0.031	4.25	13610%
2011Q2	5/4/2011	001A	Chrysene	Max. Daily	µg/L	0.031	0.447	1342%
2011Q2	5/4/2011	001A	Pyrene	Max. Daily	µg/L	0.031	1.34	4223%
2011Q1	3/11/2011	001A	Fluoranthene	Max. Daily	µg/L	0.031	1.22	3836%
2011Q1	3/11/2011	001A	Phenanthrene(2C)	Max. Daily	µg/L	0.031	2.45	7803%
2011Q1	3/11/2011	001A	Pyrene	Max. Daily	µg/L	0.031	1.12	3513%
2011Q1	1/18/2011	001A	Pyrene	Max. Daily	µg/L	0.031	0.215	594%
2010Q3	9/8/2010	001A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.177	471%
2010Q3	9/8/2010	001A	Chrysene	Max. Daily	µg/L	0.031	0.368	1087%
2010Q3	9/8/2010	001A	Fluoranthene	Max. Daily	µg/L	0.031	0.556	1694%
2010Q3	9/8/2010	001A	Pyrene	Max. Daily	µg/L	0.031	0.941	2935%
2010Q3	8/23/2010	001A	Benzo(a)anthracene	Max. Daily	µg/L	0.031	0.202	552%
2010Q3	8/23/2010	001A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.135	335%
2010Q3	8/23/2010	001A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.144	365%
2010Q3	8/23/2010	001A	Benzo(k)fluoranthene	Max. Daily	µg/L	0.031	0.115	271%

Quarter	Date	Outfall	Parameter	Limit Type	Unit	Permit Limit	Reported Discharge	Percentage in Exceedance
2010Q3	8/23/2010	001A	Chrysene	Max. Daily	µg/L	0.031	0.192	519%
2010Q3	8/23/2010	001A	Fluoranthene	Max. Daily	µg/L	0.031	0.385	1142%
2010Q3	8/23/2010	001A	Pyrene	Max. Daily	µg/L	0.031	0.644	1977%
2010Q3	7/10/2010	001A	Total Suspended Solids	Max. Daily	mg/L	100	142	42%
2010Q3	7/10/2010	001A	Acenaphthylene	Max. Daily	µg/L	0.031	0.124	300%
2010Q3	7/10/2010	001A	Anthracene	Max. Daily	µg/L	0.031	0.229	639%
2010Q3	7/10/2010	001A	Benzo(a)anthracene	Max. Daily	µg/L	0.031	0.714	2203%
2010Q3	7/10/2010	001A	Benzo(a)pyrene	Max. Daily	µg/L	0.031	0.6	1836%
2010Q3	7/10/2010	001A	Benzo(b)fluoranthene	Max. Daily	µg/L	0.031	0.676	2081%
2010Q3	7/10/2010	001A	Benzo(g,h,i)perylene	Max. Daily	µg/L	0.031	0.419	1252%
2010Q3	7/10/2010	001A	Benzo(k)fluoranthene	Max. Daily	µg/L	0.031	0.438	1313%
2010Q3	7/10/2010	001A	Chrysene	Max. Daily	µg/L	0.031	0.914	2848%
2010Q3	7/10/2010	001A	Dibenz(a,h)anthracene	Max. Daily	µg/L	0.031	0.143	361%
2010Q3	7/10/2010	001A	Fluoranthene	Max. Daily	µg/L	0.031	1.25	3932%
2010Q3	7/10/2010	001A	Indeno(1,2,3-cd)pyrene	Max. Daily	µg/L	0.031	0.314	913%
2010Q3	7/10/2010	001A	Phenanthrene	Max. Daily	µg/L	0.031	0.6	1835%
2010Q3	7/10/2010	001A	Pyrene	Max. Daily	µg/L	0.031	2.16	6868%
2010Q3	7/10/2010	001A	Pyrene	Max. Daily	µg/L	0.031	0.17	448%

EXHIBIT 4

Everett Terminal/Island End and Mystic River Incident Reports

EVERETT TERMINAL/ISLAND END AND MYSTIC RIVER INCIDENT REPORTS

Incident No.	Date	Source	Location	Chris Released	Code	/	Vol	Reach Water	Body Water/Tributary	of	Sheen Details			
											Color	Odor	Length	Width
994131	10/31/11	Unknown	Unknown Sheen, 52 Beacham St.	OUN/Unknown Oil			0	Yes	Mystic Island River	River-End Atlantic Ocean	Silvery	No odor	150 ft.	2 ft.
1078242	3/30/14	Sprague Energy	43 Beacham Street	OSX/Oil, Fuel; No. 6			200 gal.	Yes	Containment Area on the Facility		Left blank on incident report			
1086453¹	6/19/14	Sprague Energy	Marine Terminal, Intersection of Rover & Commercial St, Exxon Mobil Dock, Three Berth	ASP/Asphalt			0	Yes	Mystic River		Left blank on incident report			
1130759	10/13/15	Exxon Mobil	52 Beacham St.	OTW/Oil, Fuel: No. 2			2 gal.	Yes	Island End	Mystic River	Silvery	---	50 ft.	---

¹ This is a CORRECTION to a Report #1086443 – Wrong Chris Code entered on Report 1086443. Correct Chris Code ASP